

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Edwards et al.
Serial No.: Unknown
Filed: 18 March 2004
For: Pretreatment Method for Enhancing Tissue Adhesion

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



26308

PATENT TRADEMARK OFFICE

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT WITHIN
THREE MONTHS OF FILING OR BEFORE MAILING OF FIRST OFFICE ACTION
(37 CFR 1.97(b))

NOTE: "An information disclosure statement shall be considered by the Office if filed: (1) within three months of the filing date of a national application; (2) within three months of the date of entry of the national stage as set forth in S 1.491 in an international application; or (3) before the mailing date of a first Office action on the merits, whichever event occurs last." 37 CFR 1.97(b).

NOTE: The "filing date of a national application" under 37 CFR 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 CFR 1.53(b) as "the date on which: (1) A specification containing a description pursuant to S 1.71 and at least one claim pursuant to S 1.75; and (2) any drawing required by S 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by S 1.41." 37 CFR 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. S 371(c) within the periods set forth in S 1.494 or S 1.495. 35 U.S.C. S 371(c) requires the filing of the following: (1) the national fee; (2) a copy of the international application, unless already sent by the International Bureau, and an English translation if filed in another language; (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. 37 CFR 1.97(b)(2).

IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION
DISCLOSURE STATEMENT

The information disclosure statement submitted herewith is being filed WITHIN THREE MONTHS OF THE FILING DATE OF THE APPLICATION OR DATE OF ENTRY INTO THE NATIONAL STAGE OF AN INTERNATIONAL APPLICATION OR BEFORE THE MAILING DATE OF A FIRST OFFICE ACTION ON THE MERITS, WHICHEVER EVENT OCCURS LAST. 37 CFR 1.97(b).

NOTE "NO CERTIFICATION OR FEE IS DUE WHEN THE FILING IS MADE WITHIN THE ABOVE TIME PERIOD. IT IS ADVISABLE TO ENSURE THAT NO OFFICE ACTION HAS BEEN MAILED IF THE DISCLOSURE STATEMENT IS DELAYED UNTIL AFTER THREE MONTHS FROM FILING.

NOTE: "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 CFR 1.8, or Express Mail certificate under 37 CFR 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

CERTIFICATE OF MAILING (37 CFR 1.8(a)) or (37 CFR 1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United State Postal Service on the date shown below as Express Mail Label No. EV 318693257 in an envelope addressed as follows: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

Linda S. Wenzel

Type or print name of person mailing paper

Date: 18 March 2004

(Signature of person mailing paper)

NOTE: "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 CFR 1.142) or just a requirement for additional fees to have a claim considered (37 CFR 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

WARNING: "A PETITION FOR SUSPENSION OF ACTION TO ALLOW APPLICANT TIME TO SUBMIT AN INFORMATION DISCLOSURE STATEMENT WILL BE DENIED AS FAILING TO PRESENT GOOD AND SUFFICIENT REASONS, SINCE 37 CFR 1.97 PROVIDES ADEQUATE RECOURSE FOR THE TIMELY SUBMISSION OF PRIOR ART FOR CONSIDERATION BY THE EXAMINER." NOTICE OF JULY 6, 1992 (1141 O.G. 63).

The submission of any document herewith is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima face* prior art reference against the claims of the present application.

COPIES OF THE DOCUMENTS LISTED ON THE ATTACHED FORM PTO-1449 CAN BE FOUND IN THE FILE WRAPPER OF PARENT APPLICATION SERIAL NO. 09/548,145 FILED 13 APRIL 2000 AND ARE THEREFORE NOT INCLUDED WITH THIS SUBMISSION.

Should any fees be necessary in connection with this submission, please charge same to Account No. 06-2360.

Date 18 March 2004

Reg. No. 50,295

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Customer No. 26308



Signature of Attorney of Record
Patricia A. Limbach

Type or Print Name of Attorney of Record
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Milwaukee, Wisconsin 53226-0618

LIST OF PRIOR ART CITED BY APPLICANT
(Use serial sheets if necessary)

ATTY DOCKET NO.

1849.16436-DIV DIV

SERIAL NO.

Unknown

APPLICANT

Edwards et al.

FILING DATE

18 March 2004

GROUP

Unknown

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5,290,310	03/01/1994	Makower et al.			
	5,197,971	03/30/1993	Bonutti			
	5,324,306	06/28/2994	Makower et al.			
	5,041,129	08/20/1991	Hayhurst et al.			
	4,744,364	05/17/1988	Kensey			
	5,728,132	03/17/1998	Van Tassel et al.			
	5,447,502	09/05/1995	Haaga			
	4,838,280	06/13/1989	Haaga			
	5,496,332	03/05/1996	Sierra et al.			
	5,419,765	05/30/1995	Weldon et al.			
	5,281,197	01/25/1994	Arias et al.			

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	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	92/22252	12/1992	PCT				
	0 482 350 A2	04/1992	Europe				
	0 482 350 B1	12/1996	Europe				
	1 569 660	7/1977	GB				
	0 476 178 A1	03/1992	EP				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

Vascular Solutions, Inc., Company Summary, www.vascularsolutions.com

Abergelm R.P. et al., "Skin Closure by Nd:YAG Laser Welding." *American Academy of Dermatology*. 1986 14(5):810-14.

EXAMINER

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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

LIST OF PRIOR ART CITED, BY APPLICANT (Use several sheets if necessary)	ATTY DOCKET NO. 1849.16436-DIV DIV	SERIAL NO. Unknown
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U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5,437,292	08/01/1995	Kipshadze et al.			
	5,725,498	03/10/1998	Janzen et al.			
	5,669,934	09/23/1997	Sawyer			
	5,653,730	08/05/1997	Hammerslag			
	5,665,107	09/09/1997	Hammerslag			
	5,665,106	09/09/1997	Hammerslag			
	5,649,959	07/22/1997	Hannam et al.			
	5,630,833	05/20/1997	Katsaros et al.			
	5,700,273	12/23/1997	Buelna et al.			
	4,424,833	01/1984	Spector et al.			
	4,555,242	11/1985	Saudager			

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	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	0 330 344	02/1988	EP				
	91/09641	07/1991	WO				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Anand, R.K. et al. "Laser Balloon Angioplasty: Effect of Constant Temperature Versus Constant Power on Tissue Weld Strength." <i>Lasers in Surgery and Medicine</i> . 1988. 8(1):40-44.
	Chuck, R.L. et al. "Dye-Enhanced Laser Tissue Welding", <i>Lasers in Surgery and Medicine</i> . 1989. 9(5):471-477

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	4,738,658	04/1988	Magro et al.			
	4,852,568	08/1989	Kensey			
	4,874,368	10/1989	Miller et al.			
	4,890,612	01/1990	Kensey			
	4,891,359	01/1990	Saferstein et al.			
	5,002,051	03/1991	Dew et al.			
	5,021,059	06/1991	Kensey et al.			
	5,042,985	08/1991	Elliott et al.			
	5,053,046	10/1991	Jenese			
	5,061,274	10/1991	Kensey			
	5,108,421	04/1992	Fowler			

FOREIGN PATENT DOCUMENTS

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						YES	NO

OTHER DOCUMENTS *(Including Author, Title, Date, Pertinent Pages, Etc.)*

			DeCoste, S.D. et al., "Dye-Enhanced Laser Welding for Skin Closure." <i>Lasers in Surgery and Medicine</i> . 1992. 12:25-32.
			Fujitani, R.M. et al., "Biophysical Mechanisms of Argon Laser-Assisted Vascular Anastomoses." <i>Current Surgery</i> . March-April 1998 p.119-123.

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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		5,129,882	07/1992	Weldon et al.			
		5,156,613	10/1992	Sawyer			
		5,159,937	11/1992	Tremulis			
		5,192,300	03/1993	Fowler			
		5,163,906	11/1992	Ahmadi			
		5,171,222	12/1992	Euteneuer et al.			
		5,221,259	06/1993	Weldon et al.			
		5,222,974	06/1993	Kensey et al.			
		5,250,025	10/1993	Sosnowski et al.			
		5,275,616	01/1994	Fowler			
		5,282,827	02/1994	Kensey et al.			

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							YES	NO

OTHER DOCUMENTS <i>(Including Author, Title, Date, Pertinent Pages, Etc.)</i>		
		Goldstein, J.D. et al., "Development of a Reconstituted Collagen Tendon Prosthesis." <i>The Journal of Bone and Joint Surgery</i> . 1989. 71-A(8):1183-91.
		Grubbs, P.E. et al., "Enhancement of CO2 Laser Microvascular Anastomoses by Fibrin Glue", <i>Journal of Surgical Research</i> . 1988. 45:112-119.

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	5,292,309	03/1994	Van Tassel et al.			
	5,292,332	03/1994	Lee			
	5,306,254	04/1994	Nash et al.			
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	5,411,520	05/1995	Nash et al.			
	5,383,896	01/1995	Katsaros et al.			
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	5,486,195	01/1996	Myers et al.			
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						YES	NO

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			Grubbs, P.E. et al., "Determinants of Weld Strength in Laser-Assisted Microvascular Anastomosis", <i>Current Surgery</i> . Jan-Feb 1989. p. 3-5
			Jain, K.K. et al., "Repair of Small Blood Vessels with the Neodymium-YAG laser: A Preliminary Report", <i>Surgery</i> . 85(6):684-8.

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*EXAMINER INITIAL	OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)
	Kopchok, G. et al., "Thermal Studies of In-Vivo Vascular Tissue Fusion by Argon Laser", <i>Journal of Investigative Surgery</i> . 1988.1:5-12.
	Kopchok, G. et al., "Argon Laser Vascular Welding: The Thermal Component" <i>SPIE</i> . 1986, 712:260-3.
	Kopchok, G.E. et al., "CO2 and Argon Laser Vascular Welding: Acute Histologic and Thermodynamic Comparison" <i>Lasers in Surgery and Medicine</i> . 1988. 8:584-8.
	Lemole, G.M. et al., "Preliminary Evaluation of Collagen as a Component in the Thermally-Induced 'Weld'". <i>SPIE</i> . 1991. 1422:116-22.
	Minenberg, D.T. et al., "Laser Welding of Pericled Flap Skin Tubes", <i>The Journal of Urology</i> . 1989. 142(2):623-5.
	Murray, L.W. et al., "Crosslinking of Extracellular Matrix Proteins", <i>Lasers in Surgery and Medicine</i> . 1989. 9:490-6.
	Nimni, M.E. "Third International Congress of Biorhology Symposium on the Soft Tissues Around a Diarthrodial Joint" <i>Biorheology</i> . 1980 17:51-82.
	Oz, M.C. et al., "Tissue Soldering By use of Indocyanine Green Dye-Enhanced Fibrinogen with the Near Infrared Diode Laser", <i>Journal of Vascular Surgery</i> . 1990. 11(5):718-25.
	Oz, M.C. et al., "In Vitro Comparison of Thulium-Holmium-Chromium-YAG and Argon Ion Lasers for Welding of Biliary Tissue", <i>Lasers in Surgery and Medicine</i> . 1989. 9:248-53
	Gilbert, P.T. et al., "Laser-Assisted Vasovasostomy" 1989. 9:42-44
	Poppas, D.P. et al., "Laser Welding in Urethral Surgery: Improved Results with a Protein Solder" <i>The Journal of Urology</i> . 1988. 139:415-17.
	Schober, R. et al., "Laser-Induced Alteration of Collagen Substructure Allows Microsurgical Tissue Welding". <i>Science</i> . June 1986. 232:1421-2
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U.S. PATENT DOCUMENTS

Examiner Initial	DOCUMENT NUMBER	Date	Name	Class	Subclass	Filing Date (If Appropriate)
	5,739,208	11/12/93	Harris			
	5,791,352	11/8/96	Reich et al.			
	5,824,015	2/6/92	Sawyer			
	5,874,500	12/18/96	Rhee et al			
	5,900,461	11/12/93	Harris			
	5,932,462	5/17/95	Harris et al			
	5,936,035	12/18/95	Rhee et al.			
	5,942,209	3/11/96	Leavitt et al			
	5,986,043	3/1/93	Hubbell et al			
	5,990,237	5/20/98	Bentley et al			
	6,007,613	12/28/99	Izoret			

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	DOCUMENT NUMBER	DATE	COUNTRY	Class	Subclass	Translation Yes No
	WO 00/33764	12/14/98	PCT			
	WO 96/11671	10/12/94	PCT			
	WO 97/22371	6/26/97	PCT			
	WO 99/07417	8/6/97	PCT			
	WO 99/14259	9/12/97	PCT			

OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

			Transactors: Society for Biomaterials: "Protoelytically Degradable Hydrogels": West et al (1997) L

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U.S. PATENT DOCUMENTS

Examiner Initial	DOCUMENT NUMBER	Date	Name	Class	Subclass	Filing Date (If Appropriate)
	6,083,524	10/6/97	Sawhney et al			
	6,152,943	8/14/98	Sawhney			
	6,162,241	8/6/97	Coury et al.			
	6,165,201	9/3/99	Sawhney et al			
	6,177,095	10/6/97	Sawhney et al			
	6,179,862	8/14/98	Sawhney			
	5,733,563	12/1/93	Fortier			
	4,101,380	6/11/76	Rubinstein et al			
	5,844,016	6/7/95	Sawhney et al			
	5,318,524	3/2/92	Morse et al			
	5,858,746	3/1/93	Hubbell et al			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	Class	Subclass	Translation Yes No
		WO 99/45964	3/12/98	PCT			
		WO 00/09087	8/14/98	PCT			
		WO 00/09199	8/14/98	PCT			

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Examiner Initial	DOCUMENT NUMBER	Date	Name	Class	Subclass	Filing Date (If Appropriate)
	5,567,435	3/1/93	Hubbell et al			
	5,626,863	3/1/93	Hubbell et al			
	5,410,016	3/1/93	Hubbell et al			
	5,672,662	10/2/95	Harris et al			
	5,252,714	11/28/90	Harris et al			
	5,514,379	8/7/92	Weissleder et al			
	4,839,345	3/4/86	Doi et al			
	4,161,948	1/16/78	Bichon			
	5,051,406	10/17/88	Satoh			
	4,464,468	9/5/72	Avrameas et al			
	5,676,689	3/5/92	Kensey et al			

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	5,935,147	3/5/92	Kensey et al			
	5,601,602	10/1/90	Fowler			
	5,725,498	8/16/91	Janzen et al			
	5,403,278	4/15/92	Ernst et al			
	5,129,882	12/27/90	Welden et al			
	5,419,765	12/27/90	Weldon et al			
	5,626,601	10/27/95	Gershony et al			
	5,383,896	5/25/93	Gershony et al			
	5,782,860	2/11/97	Epstein et al			
	5,922,009	2/11/97	Epstein et al			
	5,951,589	7/31/98	Epstein et al			

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	6,022,361	10/9/98	Epstein et al			
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	5,653,730	9/28/94	Hammeslag			
	5,759,194	9/28/94	Hamerslag			
	5,583,114	7/27/94	Barrows et al			
	6,051,248	9/23/96	Sawhney et al			
	5,900,245	9/23/96	Sawhney et al			
	5,951,583	9/14/99	Jensen et al			
	5,529,577	7/21/94	Hammerslag			
	6,060,582	5/9/00	Hubbell et al			
	5,207,670	5/4/93	Sinofsky			

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	5,415,657	5/16/95	Taymor-Luria			
	5,571,216	11/5/96	Anderson			
	5,575,815	11/19/96	Slepain et al			
	5,591,204	1/7/97	Janzen et al			
	5,591,205	1/7/97	Fowler			
	5,599,347	2/4/97	Hart et al			
	5,612,050	3/18/97	Rowe et al			
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